

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALI A. LUMUMBA	:	CIVIL ACTION
v.	:	
FAMILY COURT OF PENNSYLVANIA	:	
AND DEPARTMENT OF HUMAN SERVICES	:	NO. 07-cv-4123

MEMORANDUM AND ORDER

Article I, Section 9, Clause 2 of the United States Constitution, as well as The Antiterrorism and Effective Death Penalty Act of 1996 (commonly known as “AEDPA,” and codified in relevant part as 28 U.S.C. §§2241-2266) deal with the right of all persons in state custody, or in federal custody, to file a petition in federal court seeking the issuance of a writ of habeas corpus. If such a writ of habeas corpus is issued by a federal court, the prisoner will be released from either state custody or federal custody (as the case may be) on the grounds that his rights guaranteed by the United States Constitution, or by federal law, or by a treaty entered into by the United States, have been violated.

Petitioner is currently housed in a correctional facility of the state of Pennsylvania as a result of a criminal conviction and sentence in the Court of Common Pleas of Philadelphia, Pennsylvania. Petitioner filed a petition in this court on October 2, 2007, seeking Habeas Corpus relief pursuant to 28 U.S.C. §2241, which the Clerk of this Court properly labeled as 07-cv-4123. In 07-cv-4123, petitioner does not seek his release from state custody; rather, petitioner is seeking relief in this court from a decision by the Family Court of Pennsylvania relating to the alleged taking and detainment of his five year old child. This type of relief is not available pursuant to the

law of habeas corpus.

Accordingly, this

Day of January, 2008, it is hereby

ORDERED as follows:

1. 07-cv-4123 is **DISMISSED WITH PREJUDICE**.
2. The Clerk of this Court shall mark 07-cv-4123 as **CLOSED** for all purposes, including statistics.

S/ PETRESE B. TUCKER
PETRESE B. TUCKER, U.S. District Judge